

REMARKS

Claims 1-58 are in the application.

Claims 1-6, 10-13, 15-18, 21, 27-32, 35, and 37-40 are amended. Claims 41-58 are new.

AFTER FINAL AMENDMENT

Applicants, never having received any response to their After Final submission dated June 11, 2004, hereby withdraw that submission.

INFORMATION DISCLOSURE

Applicant hereby discloses U.S. 5,924,090, Krellenstein, which describes the "Northern Light" search engine, which was apparently publicly used after 1997. A PTO-1449 (SB08A) is provided herewith listing that patent.

Krellenstein discloses an Internet search engine in which a user submits a query, and the results are returned in an automatically generated categorization. Claim 14, at least discloses presenting the records "into a hierarchal order". See also Col. 9, lines 15-32.

SPECIFICATION

Page 28 of the specification is amended to replace "www" with "--". While it is believed imprudent for the PTO to seek to enforce a policy of intentionally misciting or malforming references and sources, and indeed a policy which is readily or accidentally circumvented, since the prefix "www" itself is arbitrary, applicants have never-the-less complied with the Examiner's request.

CLAIM OBJECTIONS

Applicants have amended claims 1, 27 and 37 to comply with the Examiner's request.

CLAIM REJECTIONS

Claims 1, 14, 26, 27, 32 and 35 are rejected as being obvious under 35 U.S.C. § 103 over Hazelhurst et al. in view of Leshem et al. The remaining claims are further rejected as being obvious on the basis stated with respect to the independent claims further in view of various secondary references.

Applicant has amended the claims to define that the hierarchy includes at least two classes of objects, selected differently and treated separately in formulating the output. All claims now distinguish a system and method which presents a set of selected objects within a consistently formulated hierarchy. This amendment is made without prejudice or disclaimer to applicant's right to reassert the original subject matter in a continuation application.

With respect to claims 2 and 28, the Examiner cites Hazelhurst, Col. 2, lines 48-56, Col. 10, lines 22-35 and Col 23, lines 1-14 as a basis for rejection. Hazelhurst et al. discloses "collators", at Col. 10, line 31-32, in which "all documents [must] be accommodated by a plurality of collators 108" (conjunction). On the other hand, claim 1 provides that the first and second algorithms select respectively different portions of the set of objects (disjunction). Hazelhurst et al. is therefore believed distinguished.

The basis for the original rejection of claims 32 and 35 is not clear.

Applicant disagrees that a topology map is equivalent to a hierarchy. A hierarchy requires distinctly higher and lower levels; a topology map makes no such level or rank distinctions. In addition, a hierarchy as defined herein has at least one level having at least two

objects, thus distinguishing a vector space projection map, chain or list, none of which have multiple objects at the same level. Simply, applicants respectfully submit that Hazelhurst et al. does not disclose a hierarchy, nor does it teach or suggest use of a hierarchy, and further that none of the references teaches or suggests how a hierarchal object representation might be used in conjunction with Hazelhurst et al.

Leshem et al. do indeed disclose hierarchies (see Fig. 1), however, these do not meet the required search engine or content criteria according to the present claims, nor do they teach or suggest addition of commercial or extrinsic objects to a hierarchy, or the use of first and second algorithms.

If a person of ordinary skill in the art sought to combine the teachings of the references as proposed by the Examiner, the result is not clearly understood. Perhaps, a sparsely populated hyperlink mapping according to Leshem et al. including only the documents as generated by Hazelhurst et al. would be provided, instead of the maps as taught by Hazelhurst et al. This construction differs from the presently claimed invention.

The Examiner notes that the recommendations proffered by Hazelhurst et al. are extrinsic, or otherwise produced differently than the intrinsic objects. However, these are disclosed as being organized in the output in the same manner as intrinsic results, i.e., mapped into the collators' vector spaces.

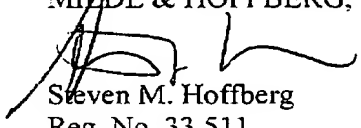
It is respectfully submitted that it is not obvious in view of the cited references to include advertisements selected through an algorithm different than that for selection of content-relevant objects for organization within a hierarchy of objects.

Applicants disagree with the Examiner as to the formulation of a prima facie case of obviousness. The references must provide some motivation for the proposed combination, and

the result argued by the Examiner from the proposed combination must be enabled. The Examiner is not free to pick and choose elements of references to reconstruct the invention using hindsight, or to hypothesize the one of ordinary skill could implement an embodiment based merely on a statement of proposed function. While it is true that an obviousness rejection may rely on the impression that a set of references might have made on a person skilled in the art, the Examiner is required to provide a sound basis for concluding what that impression might have been as a component of a prima facie case of obviousness, and applicant can rebut that presumption by showing that the references teach away from the construction proposed by the Examiner, or that the references together do not enable one of ordinary skill in the art to practice the embodiment contemplated by the Examiner. In this case, it is not clear how one would modify the teachings of the references, even were that person of ordinary skill in the art to adopt the motivation ascribed by the Examiner, without the exercise of inventive skill.

It is therefore respectfully submitted that the application is allowable.

Respectfully submitted,
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